

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI  
SOUTHERN DIVISION**

<b>MONICA DANIEL HUTCHISON,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b>Case No. 09-3018-CV-S-RED</b>
	)	
<b>TEXAS COUNTY, MISSOURI, <i>et al</i>,</b>	)	
	)	
<b>Defendants.</b>	)	

**ORDER**

Before the Court is Defendant Michael Anderson's Motion for Leave to Use Deposition Testimony of Stephanie Pounds (Doc. 315). The briefings on the Motion concern the health of Ms. Pounds and her ability to testify at trial.

This issue is presented under unusual circumstances in that rather than being raised by a motion to quash the subpoena it was raised by a phone call from Ms. Pounds' husband. Now a week after this Court's Order for the parties to try to work it out (Doc. 308) and less than one week before trial the only progress has been to argue about the meaning of the treating doctor's statement to "please allow her to testify via video." This is aggravated by the fact that an attorney for Ms. Pounds offered for counsel to discuss Mrs. Pounds condition with her doctor, but apparently this was not done.

As it stands the only medical evidence before the Court is a statement by Dr. Dale that it would be detrimental to Ms. Pounds' health to have to testify at trial. The suggestions filed with the Court are ample evidence of the stress that will be experienced by all of the participants before this trial is over. Therefore, in consideration of these factors and the fact that a video deposition of Ms. Pounds has previously been taken and is available for use at trial the subpoena

for Ms. Pounds is quashed and her testimony, if any, to be presented at trial shall be in the form of the deposition previously taken.

**IT IS SO ORDERED.**

DATED: March 23, 2011

/s/ Richard E. Dorr  
RICHARD E. DORR, JUDGE  
UNITED STATES DISTRICT COURT